

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
PAUL KEVIN BARKAL,)	CASE NO. 08-22667
)	Chapter 13
Debtor.)	

ORDER REGARDING FILED DOCUMENT

On March 17, 2009, the Clerk docketed as record entry #72 a document apparently entitled "EX PARTE APPLICATION FOR ORDER VACATING ORDER DISMISSING PETITION OR REQUEST FOR STAY PENDING A HEARING AND DECLARATION OF JOSEPH GIOVANAZZI, ESQ." This document appears to request some form of relief regarding the court's order of dismissal of the above-designated Chapter 13 case.

The filing is defective in the following particulars:

1. The document is filed on behalf of West Coast Interventional Pain Medicine, Inc., apparently by an attorney who is corporate counsel for that entity. Attorney Giovanazzi is not admitted to practice in the United States District Court for the Northern District of Indiana, and he has not complied with N.D.Ind.L.B.R. B-9010-1(c). He is therefore not allowed to practice in the United States Bankruptcy Court for the Northern District of Indiana, and no pleading filed under his signature will be considered by the court.

2. The Application does not comply with Fed.R.Bankr.P. 9013, which requires that a motion "state with particularity the grounds therefor". With respect to a motion which is directed to a final judgment, a statement of particularity includes the specific citation to a Federal Rule of Civil Procedure deemed applicable to the relief requested by the motion. Presumably, the motion is premised upon Fed.R.Bankr.P. 9024, but the basis for the motion cannot be ascertained from the document itself.

3. The filing with respect to the Application does not comply with N.D.Ind.L.B.R. B-

9023-1(a), in that it is not accompanied by a separate supporting brief.

IT IS ORDERED that the applicant is granted 20 days from the date of entry of this order to file an amended motion or application which complies with the foregoing provisions of applicable rules. In the event that a conforming filing is timely made, the court will then set the motion/application for a hearing in open court in the United States Courthouse in Hammond, Indiana. In the event that a timely conforming filing is not made, the court will deny the application filed on March 17, 2009 without further notice or hearing.

Dated at Hammond, Indiana on April 10, 2009.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:

Debtor, Attorney for Debtor
Trustee, US Trustee
Joseph Giovanazzi, P.O. Box 1425, Carlsbad, CA 92018